

10/506409

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) Ashot CHILINGARIAN et al.

Confirmation No.: 8451

Appl. No.: 10/506,409

Group Art Unit: Unassigned

Filing Date: September 1, 2004

Examiner: Unassigned

Title: MULTIVARIATE RANDOM SEARCH METHOD WITH MULTIPLE  
STARTS AND EARLY STOP FOR IDENTIFICATION OF  
DIFFERENTIALLY EXPRESSED GENES BASED ON MICROARRAY  
DATA

FEE VALUE	
ACCOUNT NO. 08-1641	
REPORT ACCOUNT NO.	
08	1641
FEE CODE	VALUE
1615	250
1616	350

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENT UNDER 35 U.S.C. 371

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This communication responds to the Notification of Missing Requirements mailed September 16, 2005, for the above-captioned application. Applicants submit herewith the required Declaration and Power of Attorney.

The Notification of Missing Requirements states that the application fails to provide a sequence listing and therefore does not comply with 37 CFR 1.821-825. Applicants respectfully submit that the application does not contain a nucleotide or amino acid sequence and therefore no sequence listing is required. Applicants believe the appropriate fees are attached, however, the Commissioner is hereby authorized to charge any deficiency or to credit any overpayment to Deposit Account No. 08-1641.

Respectfully submitted,

Date:

*February 15, 2006*  
HELLER EHRMAN LLP  
1717 Rhode Island Avenue, NW  
Washington, D.C. 20036  
Phone: 202-912-2000  
Fax: 202-912-2020

04/26/2006 WALVARAD 00000001 081641 10506409  
Sale Ref: 00000001 DAH: 081641 10506409  
02 FC: 1616 305.00 DA 55.00 DP  
Reg. No. 40,244

Attorney for Applicant

Customer No. 26633

07/506409

98509-0202US1

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/506,409

INTERNATIONAL APPLICATION NO.

PCT/US03/05730

INTERNATIONAL FILING DATE

28 February 2003 (28.02.2003)

PRIORITY DATE CLAIMED

01 March 2002 (01.03.02)

TITLE OF INVENTION

**MULTIVARIATE RANDOM SEARCH METHOD WITH MULTIPLE STARTS AND EARLY STOP FOR  
IDENTIFICATION OF DIFFERENTIALLY EXPRESSED GENES BASED ON MICROARRAY DATA**

APPLICANT(S) FOR DO/EO/US

**Ashot CHILINGARIAN, Aniko SZABO, and David JONES**

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. 371(f). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ had been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20. below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included
13. ☒ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 132 and 37 CFR 1.821-1825
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4)
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Resp. to Not. of Missing Requirements; Request for Refund; Req. for Ext. of Time; Notice (dated 9/16/05)

U.S. APPLICATION NO. (If KNOWN, SEE 37 CFR 1.7)	INTERNATIONAL APPLICATION NO.	ATTORNEY'S DOCKET NUMBER
10/506,409	PCT/US03/05730	38509-0202US1

21. The following fees are submitted:				CALCULATIONS PTO USE ONLY	
<input type="checkbox"/> a) Basic national fee.....\$300.00					
<input type="checkbox"/> b) Examination fee.....\$200.00					
<input type="checkbox"/> c) Search fee.....\$500.00					
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				\$	
TOTAL SHEETS	EXTRA SHEETS	NUMBER EXTRA (of each additional 50 or fraction thereof rounded up to a whole number)	RATE		
-100 =	/50 =		x \$250.00		
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	25- 20 =	5	x \$50.00	\$ 250.00	
Independent claims	3 - 3 =	0	x \$200.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 360.00	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 740.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.					
<b>SUBTOTAL =</b>				\$ 370.00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	
<b>TOTAL NATIONAL FEE =</b>				\$ 370.00	
Fee for recording the enclose assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28.3.31). \$40.00 per property.				+	
<b>TOTAL FEES ENCLOSED =</b>				\$880.00 (w/3 month EOT)	
				Amount to be refunded:	\$
				Amount to be charged:	\$

02/17/2006 MKAYPAGH 00000019 10506409

01 FC:2617 65.00 OP  
02 FC:2616 180.00 OP  
03 FC:2615 125.00 OP

- a. ☒ A check in the amount of \$ 880.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees.
- A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment
- To Deposit Account No. 08-1641 A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

HELLER EHRMAN LLP  
1717 Rhode Island Avenue, N.W.  
Washington, DC 20036  
Customer No. : 26633

SIGNATURE

NAME

Paul M. Booth

REGISTRATION NUMBER

40,244

February 15 2006  
Date

Adjustment date: 04/18/2006 WALVARAD  
02/17/2006 MKAYPAGH 00000019 10506409  
02 FC:2616 180.00 OP  
03 FC:2615 125.00 OP



## UNITED STATES PATENT AND TRADEMARK OFFICE

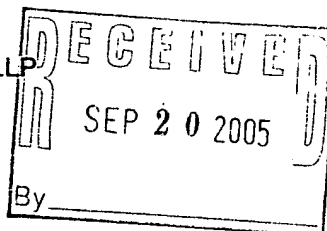
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 10/506,409	FIRST NAMED APPLICANT Ashot Chilingarian	ATTY. DOCKET NO. 38509-0011US1
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INTERNATIONAL APPLICATION NO. PCT/US03/05730
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I.A. FILING DATE 02/28/2003	PRIORITY DATE 03/01/2002
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26633  
HELLER EHRMAN WHITE & MCAULIFFE LLP  
1717 RHODE ISLAND AVE, NW  
WASHINGTON, DC 20036-3001



CONFIRMATION NO. 8395  
371 FORMALITIES LETTER  
\*OC000000017033890\*

Date Mailed: 09/16/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/01/2004
- Copy of the International Search Report filed on 09/01/2004
- Copy of IPE Report filed on 08/03/2005
- U.S. Basic National Fees filed on 09/01/2004
- Priority Documents filed on 09/01/2004

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of **\$610** as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$740** for a Large Entity:

- **\$130 Surcharge.**

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

- Total additional claim fee(s) for this application is **\$ 610**

- **\$250** for 5 total claims over 20.
- **\$360** for multiple dependent claim surcharge.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

WINSTON M ALVARADO

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Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO. 10/506,409	INTERNATIONAL APPLICATION NO. PCT/US03/05730	ATTY. DOCKET NO. 38509-0011US1
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FORM PCT/DO/EO/905 (371 Formalities Notice)